

### **REMARKS**

This Amendment is in response to the Final Office Action mailed March 6, 2007. In the Office Action, the Examiner rejected claims 1-45 under 35 U.S.C. § 103. In this response, no claims have been amended, added, or cancelled. Therefore, claims 1-45 are presented for examination. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

#### ***Rejection Under 35 U.S.C. § 103***

Claims 1-12, 15, 17-32, 35, 37-41, 43, and 44 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2002/0129060 of Rollins et al. (hereinafter "Rollins") in view of U.S. Patent No. 6,675,354 of Claussen et al. (hereinafter "Claussen"). Claims 13, 14, 16, 33, 34, 36, 42, and 45 were rejected as being unpatentable over Rollins and Claussen in view of U.S. Patent No. 6,760,748 of Hakim (hereinafter "Hakim"). Thus each of the rejections relies upon Rollins as a primary reference.

The Applicants respectfully submit that Rollins is not properly prior art to the present invention. The Applicants previously filed a Declaration under 37 C.F.R. § 1.131 to establish that the subject matter of the rejected claims was reduced to practice prior to the effective date of Rollins (*See* Office Action Response, received December 4, 2006). The Examiner found the declaration ineffective stating:

The affidavit filed on December 04, 2006 under 37 C.F.R. 1.131 has been considered but is ineffective to overcome the Rollins (U.S. Publication No. 2002/0129060) reference because the exhibits (A and B) provided does not show the claimed invention.

(Final Office Action, mailed March 6, 2007, page 2, Emphasis Added).

For the reasons set forth below, Applicants urge the Examiner to reconsider the declaration and withdraw the rejections over Rollins.

In order to swear behind a reference, the Applicants are required to “establish reduction to practice [of the invention] prior to the effective date” of Rollins (*See* 37 C.F.R. § 1.131(a)-(b), 2006; *see also*, MPEP § 715.07.III.(A)). Furthermore, an assertion of reduction to practice must be “supported by submitting as evidence one or more of the following: (A) attached sketches; (B) attached blueprints; (C) attached photographs; (D) attached reproductions of notebook entries; (E) an accompanying model; (F) attached supporting statements by witnesses, where verbal disclosures are the evidence relied upon. *Ex parte* Ovshinsky, 10 USPQ2d 1075 (Bd. Pat. App. & Inter. 1989); (G) testimony given in an interference ... (H) Disclosure documents (MPEP Section 1706) may be used as documentary evidence of conception” (MPEP § 715.07.III).

Thus, under the CFR and MPEP, Applicant is not required to show the claimed invention, but rather to show evidence supporting an assertion of a reduction of practice.

As the previously submitted exhibits show, Paul Egli (an inventor named in the present application) provided documentation that he had reduced the invention to practice on August 9, 2000, which is prior to the filing date of Rollins (Exhibit A). Furthermore, Paul Egli provided confirmation that after the invention was reduced to practice, the invention was tested in October 2000 (Exhibit A). To corroborate and support the assertions of Paul Egli that the invention was both reduced to practice and tested prior to the effective filing date of Rollins, a copy of Paul Egli’s source code log file, for revisions and the initial check in of AbstractCommandTag.java, was also submitted (Exhibit B). The reproduction of the source code log file, which is dated January 17, 2001, also predates Rollins (Exhibit B).

Thus, the Applicants have provided in the Affidavit of December 6, 2006, evidence and evidence to corroborate the reduction to practice (*See* Exhibits A and B; *see also* above discussion). In each case, the evidence provided by the Applicant predates Rollins.

Applicants submitted the Declaration and associated exhibits as proof that the rejected claims were reduced to practice prior to the earliest filing date of Rollins cited by the Examiner as prior art in the Office Action mailed August 25, 2006. As a result and as discussed above, Applicants respectfully request the Examiner to reconsider the declaration of December 4, 2006 and to withdraw the rejections over Rollins.

Furthermore, Applicants respectfully submit that neither Claussen nor Hakim teach or suggest "providing a Web application framework, said framework including an abstract command tag that predefines at least some generic Web application activities; specifying at least one custom action that is desired to be performed by a Web application; creating an object oriented programming (OOPL) class that extends the abstract command tag for providing execution logic for said at least one custom action, in addition to pre-existing logic that supports said at least some generic Web application activities, thereby creating a corresponding customized command tag that is capable of being embedded within a Web page." Therefore, the claims are not obvious over the combination of references suggested by the Examiner.

***Conclusion***

Applicant reserves all rights with respect to the applicability of the doctrine of equivalents. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact William L. Jaffe at (714) 557-3800.